

# Flathead County

## Planning & Zoning

40 11<sup>th</sup> Street West, Suite 220 Kalispell, MT 59901  
Telephone 406.751.8200



### PETITION FOR ZONING AMENDMENT

*Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.*

**FEE ATTACHED \$ 1521.60**  
**\$75.00 to GIS**

#### **APPLICANT/OWNER:**

1. Name: EAB Holdings, LLC Phone: (406) 249-0119
2. Mail Address: 161 Vintage Way
3. City/State/Zip: Whitefish, MT 59937
4. Interest in property: Owner

#### **Check which applies:**



Map Amendment



Text Amendment:

#### **TECHNICAL/PROFESSIONAL PARTICIPANTS:**

Name: Josh Lenderman PLS (Flathead Geomatics) Phone: (406) 862-4927 ext. 103  
Mailing Address: 236 Wisconsin Avenue / PO BOX 1722  
City, State, Zip: Whitefish, MT 59937  
Email: jlenderman@riverdesigngroup.net

#### **IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:**

- A. What is the proposed zoning text/map amendment?

#### **IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:**

- A. Address of the property: 161 Vintage Way, Whitefish, MT 59937

- B. Legal Description: Lot 1 of Vintage Estates Subdivision  
(Lot/Block of Subdivision or Tract #)

24 - 30 N - 22 W  
Section Township Range (Attach sheet for metes and bounds)

- C. Total acreage: 15.76 acres.

- D. Zoning District: N/A

- E. The present zoning of the above property is: AG-20 (Agricultural)

- F. The proposed zoning of the above property is: SAG-5 (Suburban Agricultural)

- G. State the changed or changing conditions that make the proposed amendment necessary: EAB Holdings, LLC is considering future development of the subject property.

The current zoning designation is AG-20 and they would like to change it to SAG-5 in order to have the opportunity to further develop the property. Under the current current zoning

designation, it would not be possible.

**THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.**

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
  - a. Secure safety from fire and other dangers?
  - b. Promote public health, public safety and the general welfare?
  - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
  - a. The reasonable provision of adequate light and air?
  - b. The effect on motorized and non-motorized transportation systems?
  - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
  - d. The character of the district and its peculiar suitability for particular uses?
  - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

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*The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.*

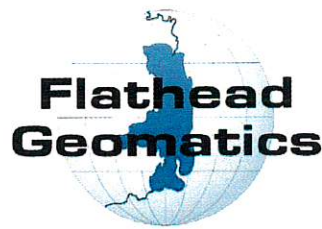
Erik A. Bodeen as Representative of EAB Holdings, LLC.

May 3rd, 2022.

Applicant Signature(s)

Date

Erik A. Bodeen as a Representative for EAB Holdings, LLC.



May 9, 2022

## **EAB Holdings, LLC – Zone Change**

### **Petition for Zoning Amendment – Questionnaire**

**1. Is the proposed amendment in accordance with the Growth Policy / Neighborhood Plan?**

- a. The Growth Policy Land Classification Map 2.3 (B) classifies the subject property as Agricultural Rural & Urban. The proposed amendment would still fall in line with the rural and urban designations, but would change from agriculture to suburban agriculture.
- b. The proposed amendment is in accordance with the Flathead County Growth Policy. Chapter 2 Goal G.2 of the Growth Policy states “preserve the rights of property owners to the use, enjoyment and value of their property and protect the same rights for all property owners. The proposed zone change would allow EAB Holdings, LLC to use, enjoy and receive the value of their property if they were to further develop.
- c. Goal G.8 states: “Safe healthy residential land use densities that preserve the character of Flathead County, protect the rights of landowners to develop land, protect health, safety, and general welfare of neighbors and efficiently provide local services.” The proposed zone change will allow for EAB Holdings, LLC to develop their property if they desire and would still maintain the character of the land in relation to the adjacent properties to the West & Southwest, along with properties North of the subject property.

**2. Is the proposed amendment designed to:**

**a. Secure safety from fire and dangers?**

- i. The proposed zone amendment is located within the Whitefish Rural Fire District like all surrounding properties and will be secure and safe from fire and any dangers. The subject property is located 2.6 miles northwest of the Whitefish Rural Fire Service Area. Additionally, proper forest maintenance and defensible space will provide a greater security from potential fire dangers, and with any development of the land, fuels will be reduced by default. Police protection will be provided by the Flathead County Sheriff's Office.

**b. Promote public health, public safety, and general welfare?**

- i. Yes, the proposed zone amendment is designed to promote public health, safety, and the general welfare. It will be similar in size to the properties located to the East, West, and Southwest.
- ii. The Whitefish Rural Fire Service Area provides protection to this area, along with Flathead County Sheriff's Office.
- iii. The proposed SAG-5 zoning designation provides the same setback and height standards as the existing AG-20 zoning designation.



**c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements?**

- i. Yes, the proposed zone amendment will facilitate the adequate provision of transportation, water, sewage, schools, and other public requirements within reason.
- ii. The subject property is located off Highway 93 and is accessed by a 60-foot private road and utility easement known as Vintage Way as shown on the subdivision plat of Vintage Estates.
- iii. All water and sewage will be designed and permitted per Montana Department of Environmental Quality.
- iv. The subject property would be served by the Whitefish School system – School District No. 44. Within this district there are multiple options for Pre-k. Elementary Schools are Muldown Elementary or Whitefish Christian, Middle School is Whitefish Middle or Whitefish Christian, and then Whitefish High School.
- v. There is no parkland proposed within the subject property, but with close proximity to Whitefish and Kalispell, there is an abundance of choices for parks and trails.
- vi. Other public requirements would be on a case-by-case basis.

**3. Does the proposed amendment consider:**

**a. The reasonable provision of adequate light and air?**

- i. Yes, the proposed amendment takes into consideration the reasonable provision of adequate light and air. The subject property has thick timber that by default would be thinned with the development of the property. This in turn would open the property to more light and reduce fuel loads.
- ii. The proposed SAG-5 designation has the same setbacks and maximum height requirement as the current AG-20 designation.

**b. The effect on motorized and non-motorized transportation systems?**

- i. Yes, the proposed amendment does take into consideration the effect of motorized and non-motorized transportation systems. The subject property is located off Highway 93 and accessed through a 60-foot private road and utility easement known as Vintage Way as shown on the subdivision plat of Vintage Estates.

**c. Compatible urban growth in the vicinity of cities and towns that a minimum must include the areas around municipalities?**

- i. Yes, the proposed zone amendment considers the urban growth in relation to the cities and towns, and whether it is compatible. The subject property is more rural in nature and is located approximately 2 miles south of the Whitefish City limits, and approximately 5 miles North of the Kalispell City limits. The proposed zone amendment is compatible with the growth of the surrounding properties, as it represents size, use and character of them. The Whitefish Hills Village, Phase 1 subdivision located directly West is zoned SAG-5-PUD. A property located to the Southwest shown as Tract 1 of Certificate of Survey No. 9506 is currently zoned SAG-5 and all the lots located within the subdivision plat of Vintage Estates running along the East of the subject property are not currently designated under any zoning. Also to note is majority of the properties along the Hwy.93 corridor going North to the intersection of Hwy. 40 are currently zoned SAG-5, or even less as is the BS / HO districts.

- ii. **SAG-5 Definition:** "A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in area where potential conflict of uses will be minimized, and to provide areas of estate-type residential development."

- This definition of SAG-5 appears to be what is represented in this area, and this proposed zoning amendment would be consistent with the uses in the vicinity of the subject property.

**d. The character of the district and its peculiar suitability for particular uses?**

- i. Yes, the proposed zone amendment does consider the character of the district and its peculiar suitability for particular uses. The proposed zone amendment is compatible with the growth of the surrounding properties, as it represents size, use and character of them. AG-20 and SAG-5 share many of the same permitted uses but AG-20 does offer a few more such as:

- Caretaker's facility
- Cellular communication towers
- Dairy products processing, bottling, and distribution
- Fish hatchery
- Kennel
- Ranch employee housing
- Stables (public and private)

- ii. In terms of the conditional uses there are similar uses allowed as well but where they differ is the SAG-5 allows a few more conditional uses than the AG-20 such as:

- Airfields
- Aircraft hangers
- Caretakers facility
- Community residential facility
- Golf course
- Golf driving range
- Kennel
- Manufactured home park
- Recreational vehicle park
- Riding academy and rodeo arena
- Stables

- iii. The current zoning designation for the subject property is AG-20 and the proposed amendment is SAG-5. Both designations have the same minimum yard requirement for principal structures and for detached accessory structures.

**e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?**

- i. Yes, the proposed zone amendment considers the conservation of buildings, and it does encourage appropriate land use. The SAG-5 zoning that is being sought represents size, use and character of the properties within close proximity. The Whitefish Hills Village, Phase 1 subdivision located directly West is zoned SAG-5-PUD. A property located to the Southwest shown as Tract 1 of Certificate of Survey No. 9506 is currently zoned SAG-5 and all the lots located within the subdivision plat of Vintage Estates running along the East of the subject property are not currently designated under any zoning. Also to note is majority of the properties along the Hwy.93 corridor going North to the intersection of Hwy. 40 are currently zoned SAG-5, or even less as is the BS / HO districts.

**Montana Office**

236 Wisconsin Avenue  
Whitefish, Montana 59937  
(406) 862-4927 • Fax (406) 862-4963

**Oregon Office**

311 SW Jefferson Avenue  
Corvallis, Oregon 97333  
(541) 738-2920 • Fax (541) 758-8524

MAY 11 2022



**4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of the nearby municipalities?**

- a. *The subject property is not located adjacent to a municipality. From the subject property to the southern extents of the Whitefish City limits at the terminus of Hwy. 40, along the Hwy.93 corridor, a majority of the properties are currently zoned SAG-5, or even less as is the BS / HO districts. There is a variety of zoning designations around the subject property. For example, the Whitefish Hills Village, Phase 1 subdivision located directly West is zoned SAG-5-PUD. A property located to the Southwest shown as Tract 1 of Certificate of Survey No. 9506 is currently zoned SAG-5 and all the lots located within the subdivision plat of Vintage Estates running along the East of the subject property are not currently designated under any zoning.*
- b. **The zoning allows a use that differs significantly from the prevailing use in the area.**  
*The proposed zone amendment from AG-20 to SAG-5 would not differ significantly from the surrounding area. There is a variety of zoning designations around the subject property. For example, the Whitefish Hills Village, Phase 1 subdivision located directly West is zoned SAG-5-PUD. A property located to the Southwest shown as Tract 1 of Certificate of Survey No. 9506 is currently zoned SAG-5 and all the lots located within the subdivision plat of Vintage Estates running along the East of the subject property are not currently designated under any zoning. Also to note is majority of the properties along the Hwy.93 corridor going North to the intersection of Hwy. 40 are currently zoned SAG-5, or even less as is the BS / HO districts.*
- c. **The zoning applies to a small area or benefits a small number of separated landowners.**  
*The proposed zone amendment encompasses 20.01 acres of land and is located amongst a variety of differently zoned properties from AG-20 to the NW and South, SAG-10 to the East, SAG-5 to the West, Southwest, and North, B-2 & R-2 to the South 1/4 of a mile, and properties immediately to the East within the same subdivision with no zoning designation at all.*
- d. **The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus is in the nature of special legislation.**  
*The proposed zone amendment is for a single landowner. In this area there is a lot of diversity in zoning designations as stated on the previous example of 4b. It would be difficult to say the proposed zone amendment would be considered out of place within the area.*

Please contact me if you have any questions.

Professionally,



Josh Lenderman, PLS  
River Design Group, Inc.  
Flathead Geomatics

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